

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MICHAEL ZENTACK,

Plaintiff,

MEMORANDUM AND ORDER  
10-CV-1526(JS)

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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APPEARANCES:

For Plaintiff: Michael Zentack, Pro Se  
1012 Church Street  
Bohemia, New York 11716

For Defendant: No appearances.

SEYBERT, District Judge:

On April 6, 2010, pro se Plaintiff Michael Zentack ("Plaintiff") commenced this action seeking review of an administrative law judge's decision pursuant to 42 U.S.C. § 405(g). Pending before the Court is Plaintiff's motion to proceed in forma pauperis.

To qualify for in forma pauperis status, the Supreme Court has long held that "an affidavit is sufficient which states that one cannot because of his poverty pay or give security for the costs [inherent in litigation] and still be able to provide himself and dependents with the necessities of life." Adkins v. E.I. Du Pont De Nemours & Co., Inc., 335 U.S. 331, 339, 69 S. Ct. 85, 93 L. Ed. 43 (1948) (internal quotation marks and citations omitted).

Upon review of Plaintiff's application, this Court finds that Plaintiff's financial status qualifies him to commence this

action without prepayment of the filing fee. See 28 U.S.C. § 1915(a)(1). Plaintiff avers that he: (1) is currently unemployed; (2) last worked in 2007; (3) receives monthly public benefits of \$429.00; and (4) pays monthly rent of \$309.00. Accordingly, the Court finds that Plaintiff cannot gather sufficient funds to commence this lawsuit. Plaintiff's request to proceed in forma pauperis is granted. The United States Marshal Service is directed to serve the Complaint upon the Defendant without prepayment of fees.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: May 3, 2010  
Central Islip, New York